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LETTER DATED 11 JULY 1996 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter dated 15 June 1996 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/1996/436). The annex to that letter contained Iraq's account of the incidents which had occurred on 14 June 1996, on which I reported orally to the Council, regarding the United Nations helicopter being flown that day in support of the inspection team UNSCOM 150.

I have today addressed the attached letter to the Deputy Prime Minister of Iraq (see annex), forwarding the report to me by the Chief Inspector of UNSCOM 150 on the matter (see enclosure). In order to complete and set the record straight regarding these incidents, I should be most grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Rolf EKÉUS
Executive Chairman

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Annex

Letter dated 11 July 1996 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

I have studied the findings of the inquiry which you instituted into the incident involving the Special Commission's helicopter on 14 June 1996, and which was communicated to the Security Council on 15 June 1996 (S/1996/436).

In the light of your communication, I believe that it is necessary for me to set the record straight. In this regard, I am transmitting herewith, for your information, the report which I received from the Chief Inspector of UNSCOM 150 on this incident. It is my intention to request that the present letter and the attached report be brought to the attention of the Security Council in the same manner as the communication from your Government regarding this incident.

(Signed) Rolf EKÉUS
Executive Chairman

Enclosure

Report by the Chief Inspector of UNSCOM 150 on the helicopter incident of 14 June 1996

1. The Special Commission's Aerial Inspection Team (AIT) was requested by the Chief Inspector of UNSCOM 150 to fly a helicopter mission in support of inspection activities at two military sites south-west of Baghdad (site designates 8 and 14) on the morning of 14 June. Iraq had blocked entry to those sites since 1400 hours local time on 13 June. The flight boxes, indicating the area of operations, were provided to the Iraqi authorities on 13 June. No objections to the overflight of any sites within those boxes were raised.

2. The AIT helicopter departed Rashid airbase at 0802 hours on 14 June and first flew to the vicinity of site 8. At 0833 hours, the Iraqi pilot on board the UNSCOM helicopter formally denied overflight access to site 8 on the grounds that it was a sensitive military installation. The helicopter then moved to the vicinity of site 14 but overflight access was also denied at 0840 hours. The AIT chief inspector protested to the Iraqi representative on board the UNSCOM helicopter, stating that Iraq's denial of overflight rights was in violation of Iraq's obligations under the relevant Security Council resolutions.

3. In order to gain the necessary time to discuss the evolving situation with the Iraqi authorities, in particular Brigadier General Hossam Amin, Director of the National Monitoring Directorate, at 0858 hours the Chief Inspector instructed the AIT helicopter to fly north of the old Jordan Road in the vicinity of site 8, following a path which had been used by UNSCOM helicopters in that area and had been accepted by Iraq during previous inspections. At 0900 hours, the AIT was informed that they were not allowed to fly that path and should continue to stay approximately 6 kilometres south-west of site 14. While the Chief Inspector was trying to get in touch with Brigadier Hossam Amin over the telephone, the UNSCOM 150 ground element positioned around site 8 observed that Iraqi soldiers were manning an anti-aircraft gun position close to the site and in the helicopter flight path. The team's attempt to videotape these events was interrupted by Iraqi minders. Iraqi soldiers appeared carrying weapons. The UNSCOM 150 Deputy Chief Inspector, who was at site 8, requested an explanation from the Iraqi representatives as to why the anti-aircraft guns were being manned while the UNSCOM helicopter was flying nearby. The Iraqi representatives claimed that the guns were manned 24 hours a day. However, they could not provide an explanation as to why the positions had not been manned that morning before the arrival of the UNSCOM helicopter. A military commander on site agreed that the positions would not be manned during any further helicopter flights. As the manning of the anti-aircraft gun positions was deemed a threatening action against UNSCOM personnel and helicopter, the Chief Inspector, together with the UNSCOM helicrew Commander, took a decision at 0924 hours to return the helicopter to base. Iraq's actions were strongly protested by the UNSCOM 150 Chief Inspector to Brigadier Hossam Amin. The latter reaffirmed Iraq's position that the helicopter would not be allowed to overfly both sites and he claimed, contrary to what had been observed by the UNSCOM 150 ground element, that the anti-aircraft position had not been manned.

4. At 1050 hours, Brigadier Hossam Amin informed the UNSCOM 150 Chief Inspector that Iraq had reversed its decision and would allow the UNSCOM helicopter to directly overfly site 14. As for site 8, the helicopter would only be allowed to fly north of the old Jordan Road, some distance away from the actual site. In both cases, Iraq continued to deny UNSCOM its rights to photograph and videotape the sites. The Chief Inspector nevertheless decided to take this opportunity to organize a second flight in order to assist the ground team in the securing and visual observation of the sites. The new flight started at 1220 hours.

5. The UNSCOM helicopter arrived over site 14 at 1238 hours. At 1140 hours, the ground element at site 8 had reported that only one anti-aircraft gun was manned while two others remained unmanned. At 1230 hours, all three positions were manned. The team attempted to videotape and take still photos of the situation at the anti-aircraft gun positions but were again prevented from doing so by the Iraqis. At 1322 hours, the UNSCOM 150 representative on site held discussions with the Iraqi representatives. He protested the Iraqi actions and reminded his counterpart that they had made a promise not to man the anti-aircraft positions while the UNSCOM helicopter was flying its mission. Nevertheless, the Iraqi military refused to bring the soldiers down from the anti-aircraft positions. They claimed that what was under way was just a training exercise. The Chief Inspector contacted Brigadier Hossam Amin over the telephone, brought the situation to his attention and asked him to resolve the problem. Brigadier Hossam Amin stated that it would not be possible to have the anti-aircraft positions unmanned and that the soldiers would remain with their guns. He explained that this was because of a security alert, although he stated that no orders had been given to the anti-aircraft gun personnel to threaten the UNSCOM helicopter. The Chief Inspector did not find this statement sufficient to assure the safety of the flight and instructed the helicopter not to fly over site 8. After the completion of its mission over site 14, the helicopter departed the site at 1500 hours and returned to base. Around this time, the Iraqi military started to unman the anti-aircraft positions, and by 1520 hours only one soldier remained with the anti-aircraft guns near site 8.

6. Comparing the helicopter activities and subsequent Iraqi actions, it is obvious that the manning of the anti-aircraft positions was related to the UNSCOM helicopter's mission to overfly site 8. Iraq also prevented the UNSCOM helicopter from flying directly over site 8. The AIT was furthermore denied its rights to videotape and photograph the sites under inspection.

7. The Iraqi authorities were fully aware of UNSCOM's concerns over the safety of its helicopter in conducting this mission. Both in the morning and the afternoon, the issue was specifically brought to the attention of the Iraqi representatives. The Iraqi authorities clearly understood what anti-aircraft weapon positions were involved in the incidents. The Chief Inspector and the UNSCOM representatives on the ground clearly made their demands for the anti-aircraft gun positions to be unmanned before the helicopter flight. Both in the morning and in the afternoon, the Iraqi authorities refused to do so although they had specifically promised to keep anti-aircraft gun positions unmanned while the UNSCOM helicopter was in the air after the morning incident. The Iraqi authorities were thus not only in violation of their obligations under the Security Council resolutions but also of their own specific undertakings in the course of the day of 14 June.